CANADIAN INTERNATIONAL TRADE TRIBUNAL



TRIBUNAL CANADIEN DU COMMERCE EXTÉRIEUR

# INFORMATION

### ON ECONOMIC, TRADE AND TARIFF INQUIRIES

#### ABOUT THE CANADIAN INTERNATIONAL TRADE TRIBUNAL

The Canadian International Trade Tribunal (the Tribunal) is an independent administrative tribunal operating within Canada's trade remedies system. It is a quasi-judicial body that reports to Parliament through the Minister of Finance. The *Introductory Guide on the Canadian International Trade Tribunal* provides an overview of the Tribunal and its statutory responsibilities.

One of the Tribunal's responsibilities is to act in an advisory capacity to the Government on economic, trade or tariff issues. The Governor in Council or the Minister can direct the Tribunal to conduct inquiries and make recommendations on matters requiring an independent and expert opinion based on a comprehensive review of facts, and sometimes competing economic interests. In such inquiries, the Tribunal conducts research, receives submissions, holds public hearings and submits a report to the Government.

#### LEGISLATIVE BACKGROUND FOR ECONOMIC, TRADE AND TARIFF INQUIRIES

The *Canadian International Trade Tribunal Act* (the CITT Act) is the legislative authority for economic, trade and tariff inquiries. The Government may direct the Tribunal to inquire into any matter affecting Canada's economic, trade or commercial interests. The Minister may direct the Tribunal to inquire into tariff-related matters, including any matter relating to Canada's international rights or obligations. The Government may also direct the Tribunal to inquire into any matter relating to imports of goods or the provision of services by non-residents into Canada that cause or threaten to cause serious injury to domestic producers of competitive goods or injury to resident providers of services.

#### TRIBUNAL REPORTS ON ECONOMIC, TRADE AND TARIFF INQUIRIES

Since 1989, the Tribunal has conducted several inquiries into economic, trade and tariff matters. These have ranged from reviews of the competitiveness of key economic sectors to assessments and recommendations regarding trade and tariff measures which the Government was considering implementing.

Reports to the Government on Tribunal inquiries into the competitiveness of the Canadian horticultural as well as cattle and beef industries highlighted the performance, strengths and prospects of these industries. They provided the Government, the industry and the public with valuable insights into these industries, suggesting the direction in which they should be moving. The Tribunal also conducted an inquiry into the importation of boneless beef and recommended measures that were subsequently implemented by the Government.

In its trade and tariff inquiries, the Tribunal examined several planned measures in these areas and provided the Government with recommendations on how they should be implemented. These included inquiries on the allocation of import quotas for dairy and poultry products, reductions in MFN textile tariffs and the elimination of tariff anomalies in the *Canada-United States Free Trade Agreement*.

Another inquiry considered the impact of imports of dairy product blends (e.g., butteroil and sugar) outside the coverage of tariff rate quotas and the identification of options consistent with Canada's domestic and international rights and obligations to address any problems caused by these imports.

The Tribunal's reports following these inquiries, along with recommendations or options for action, were based on an exhaustive review of the key facts and the sometimes opposing views and interests of the various parties likely to be affected by the recommended measures.

## ECONOMIC, TRADE AND TARIFF INQUIRIES

The terms of reference from the Governor in Council or the Minister establish the scope of an inquiry and the date for the Tribunal's report. The Tribunal issues a notice of the initiation of an inquiry which is published in Part I of the *Canada Gazette*, and forwards it to all known interested parties. The notice includes the purpose of the inquiry and outlines the general rules for parties wishing to participate. It also gives information on dates for the submission of briefs and the filing of information requested by the Tribunal as well as on the date and location of the public hearing.

As part of the inquiry, the Tribunal requests information from interested parties through questionnaires, receives representations and holds public hearings. The research staff of the Tribunal prepares a "staff report" that provides a comprehensive summary of the facts collected in the inquiry. This report is made available to parties and counsel prior to the hearing and becomes part of the record for the inquiry. Members of the Tribunal may also make visits to producers, manufacturers, processors, importers, farmers, distributors, retailers or governments to better understand the functioning of economic sectors and markets. Parties may present their own facts and evidence or choose to be represented by counsel.

Where confidential information is provided to the Tribunal, it is protected under the confidentiality provisions of the CITT Act. The Tribunal will distribute confidential information only to counsel acting on behalf of a party who have signed a declaration and undertaking not to divulge confidential information.

#### **Public Hearing**

The Tribunal holds a public hearing once the staff report has been distributed and interested parties have made their submissions. At the public hearing, the interested parties provide facts and evidence related to the matter of inquiry. In all cases, parties have the opportunity to respond to evidence and facts provided by other parties and by staff. Members of the Tribunal play a leading role in exploring the facts during the hearing. In cases where there are major economic interests at stake, for example, new trade measures being considered by the Government, the Tribunal may also allow for cross-examination to ensure that the facts which it needs are fully tested.

#### Issuing a Report to the Government

The Tribunal reports to the Government on the date specified in the terms of reference. Notice of the submission of the report is sent to all interested parties and is published in the *Canada Gazette*. The Government submits the Tribunal's report to Parliament.

#### Judicial Review

Any person directly affected by a Tribunal report in an inquiry may seek judicial review by the Federal Court of Canada.

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#### INTERACTING WITH THE TRIBUNAL

This document is one of a series that describe the work of the Tribunal. Others include:

- Introductory Guide on the Canadian International Trade Tribunal
- Information on Dumping and Subsidizing Inquiries and Reviews
- Information on Appeals from Customs, Excise and SIMA Decisions
- Information on Import Safeguard Inquiries and Measures
- Information on Textile Tariff Investigations
- Information on Procurement Review

These documents provide general information only. When interpreting and applying the law, readers should refer to the CITT Act, its Regulations, the statutes that the Tribunal administers and the *Canadian International Trade Tribunal Rules*.

The Office of the Secretary of the Tribunal will provide more detailed information on the handling of individual cases. For more information, dial (**613**) **993-3595**.

#### Internet

The Tribunal operates a Web site on the Internet. The site provides general information about the Tribunal, publications of the Tribunal, as well as notices, appeal decisions, advices, findings, orders, statements of reasons, procurement review determinations and textile recommendations. The Tribunal's Web site address is **www.citt.gc.ca**.

#### THE BULLETIN

The Tribunal also publishes the *Bulletin*. This quarterly report provides brief descriptions of decisions issued, cases under consideration, appeal withdrawals and other information about cases appealed or referred to the Tribunal. The *Bulletin* is available on the Tribunal's Web site.

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